

REMARKS

Claims 1-21 are currently pending, wherein Applicant proposes to amend claims 1, 2, 4-7, 9-13, and 15-18 to even more clearly define the present invention and to add new claim 21. Applicant respectfully requests entry of the above-identified amendment and favorable reconsideration in view of the remarks presented herein below.

At the outset, Applicant would like to thank Examiner Herrera for the courtesy shown to Applicants representative during the personal Interview conducted on December 6, 2006. During the interview the Examiner asked questions concerning the specification in relation to the claims and requested further clarification. The Examiner also pointed out that there appeared to be illegible text in Fig. 5A. In response, Applicants have amended claims 1, 2, 4-7, 9-13, and 15-18 to more clearly define the present invention, and note that Fig. 5A is a representative image which may be utilized in the present invention. Accordingly, Fig. 5A is intended to represent image data which would include attribute data, not shown, for example, in the specific format of an Exif tag. Therefore, what appears to be illegible text in the Figure on file is merely reproduction noise and should be disregarded by the Examiner. If the Examiner requires further clarification, he is invited to phone the undersigned at the telephone number provided below in order to expedite prosecution of the present application.

In paragraph 3 of the Action, the Examiner rejects claims 1-7 and 12-18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No.

2004/0203872 A1 to Hanninen et al. (“Hanninen”), in view of U.S. Patent No. 6,314,296 to Hamada et al. (“Hamada”). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some motivation to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 1-7 and 12-18 are not rendered unpatentable by the combination of Hanninen and Hamada because the Examiner fails to establish a *prima facie* case of obviousness as discussed below.

Independent claim 1 defines an image processing server. The server includes, *inter alia*, an adder that adds first position information, indicative of the specified position, to the image data as attribute information of the image data.

Hanninen discloses a personal “black box” contained within a mobile terminal for providing a personal safety net. More specifically, the “black box” contained within the mobile terminal receives, stores if necessary, and transmits to a remote location, image data, voice data, and location data which can subsequently be used to provide a useful record of crimes and accidents. Although Hanninen discloses that image data, voice data, and position data are securely stored in a remote server 150, nowhere in Hanninen is there any disclosure or suggestion of the server including an adder as claimed. To the contrary, Hanninen merely discloses that the position information is transmitted to the server for storage. Nowhere in

Hanninen is there any disclosure or suggestion of adding position information as attribute information of the image data.

Hamada discloses a position registration function for a cellular wireless communication apparatus that specifies the position of the apparatus. In addition, the position information is used to notify a called party of the location and identify of a calling party. However, nowhere in Hamada is there any disclosure or suggestion of adding the position information to the image data as attribute information of the image data as claimed.

In response to Applicant's arguments, the Examiner asserts that the combination of Hanninen and Hamada discloses adding information indicative of the specified position to the image data as attribute information of the image data inasmuch as Hamada discloses displaying the location of a wireless apparatus to a called party, as shown in Figs. 3 and 4. These assertions are unfounded for the following reason.

Nowhere in Hamada is there any disclosure or suggestion of adding first position information indicative of a specified position to the image data as *attribute information*. At best, Hamada only discloses displaying information regarding the location of a wireless apparatus for use in determining whether or not to accept a call. There is no suggestion in Hamada that the position information is associated in any way with the image data much less stored as attribute information of the image data as claimed.

Therefore, even if one skilled in the art were motivated to combine Hanninen and Hamada, which Applicant does not concede, the combination would still fail to render claim 1

unpatentable because the combination fails to disclose each and every claimed element. Neither Hanninen nor Hamada, whether taken singularly or in combination, discloses or suggests an image processing server that includes an adder that adds first position information indicative of a specified position to image data as *attribute information* of the image data as claimed. Accordingly, claim 1 is patentable over the combination of Hanninen and Hamada.

Independent claims 5, 12, and 16 each define an image processing server that includes, *inter alia*, an adder or means for adding position information indicative of a position to image data sensed by an image sensor as attribute information of the image data. Accordingly, independent claims 5, 12 and 16 are patentable over the combination of Hanninen and Hamada for at least the reason that the combination fails to disclose or suggest an adder as claimed. (See discussion above with respect to claim 1.)

Claims 2-4, 7, 13-15, 17 and 18 variously depend from independent claims 1, 5, 12 and 16. Therefore, claims 2-4, 7, 13-15, 17 and 18 are patentable over the combination of Hanninen and Hamada for at least those reasons presented above with respect to claims 1, 5, 12 and 16. Accordingly, Applicant respectfully request reconsideration and withdrawal of the rejection of claims 1-7 and 12-18 under 35 U.S.C. § 103.

In paragraph 10 of the Action, the Examiner rejects claims 8, 9, 19 and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hanninen in view of Hamada, further in view of U.S. Patent Application Publication No. 2002/0116575 A1 to Toyomura et al. (“Toyomura”). Applicant respectfully traverses this rejection.

Claims 8, 9, 19, and 20 variously depend from independent claims 1, 5, 12, and 16. Therefore, claims 8, 9, 19, and 20 are patentable over the combination of Hanninen and Hamada for at least those reasons presented above with respect to claims 1, 5, 12, and 16.

Toyomura discloses a carryable memory media with which a user can manage a plurality of different types of files. The memory media includes a directory for storing specific format files having a certain predetermined specific file form, and a directory for storing non-specific format files having free forms. However, Toyomura fails to overcome the deficiencies of Hanninen and Hamada.

Since Hanninen, Hamada and Toyomura each fail to disclose or suggest an image processing server that includes an adder as claimed, the combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Hanninen, Hamada and Toyomura, which Applicant does not concede, the combination would still fail to render claims 8, 9, 19, and 20 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 8, 9, 19, and 20 under 35 U.S.C. § 103(a).

In paragraph 12 of the Action, the Examiner rejects claims 10 and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hanninen in view of Hamada, further in view of U.S. Patent Application Publication No. 2003/0076428 A1 to ITO (“ITO”). Applicant respectfully traverses this rejection.

Claims 10 and 11 depend from independent claims 1 and 5, respectfully. Therefore, claims 10 and 11 are patentable over the combination of Hanninen and Hamada for at least those reasons presented above with respect to claims 1 and 5.

ITO discloses an image conversion system wherein a film scanner reads out an image on photographic film and generates a digital image signal representing the image. The format of the digital image signal is converted into a predetermined format used in a digital camera, and the digital image signal in the predetermined format is recorded on a recording medium which can be loaded in the digital camera. However, ITO fails to overcome the deficiencies of Hanninen and Hamada.

Since Hanninen, Hamada and ITO each fail to disclose or suggest an image processing server that includes an adder as claimed, the combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Hanninen, Hamada and ITO, which Applicant does not concede, the combination would still fail to render claims 10 and 11 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10 and 11 under 35 U.S.C. § 103(a).

New claim 21 defines a method of providing location information to image date, the location information indicating a location where the image data was sensed. The method includes, *inter alia*, acquiring location information associated with the specified base station; and adding the acquired location information to the received image data as attribute information.

Accordingly, new claim 21 is patentable over the applied art for at least the reason that the applied art fails to disclose or suggest adding location information to received image data as *attribute information*. (See discussion above.)

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By Penny Caudle Reg #46,607
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant